



CALL TO ORDER & ATTENDANCE

Pete Woll, Chair called the September 13, 2021, 310 permit meeting to order at 7:00 P.M. in the conference room.

Board members present: Pete Woll, Chair; John Ellis, Vice Chair; Lech Naumovich, Secretary/Treasurer; Donna Pridmore, Supervisor; Scott Rumsey Supervisor; Lech Naumovich, Supervisor, Verdell Jackson, Supervisor; Gordan Ash, Associate Supervisor; being a quorum of the Board.

Also, in attendance were: Ginger Kauffman, Virginia Rigdon, Hailey Graf, Samantha Tappenbeck Flathead Conservation District (FCD) staff; Fiona Handler, Big Sky Watershed Corps Member; Rob Brist; Ruthanne Coffey and Melissa Brickl, Water & Environmental Technologies (WET); Steve Shapero; Trevor Hull; Stan Hanson; Angie LeDuc, Rocky Mountain Law Partners; Leo Rosenthal, Fish Wildlife & Parks (FWP); Brett Svetlik; Mike Holwick; Kenny Breidinger, FWP; Brian Sugden; Richard Ginnett; Robert Lewis; Susan Hull; Colter Ovaney; Shane and Gretchen Barfoot; Sandy Heil; Brian Fletcher, SPP MT; Mark Cahill; Chad Bruns; Kelley Bruns; Jesse Smith; Andrea Fish; Paul Roper; Mark Wattie, Wattie Engineering; Ann Becker; Donald Becker; Eric Osterberg; Sam Strickler, Wattie Engineering; Brad Bennett, WET; Doug White; Allen Ream; Caitlin Overland; Katie Breidinger; Juli King; Michael Cotton, FH Stoltze L&L; John Mielke; Joel Ovaney; Jeff Larsen, Larsen Engineering; Doug Yaeger, Winter Sports; Todd Harrison; Mikel Siemens, Core Water Consulting.

CONSENT AGENDA

Consent Agenda Item 1: Signature Authority

- Authorization for Hailey Graf to sign on behalf of Supervisors attending the meeting virtually.

Consent Agenda Item 2: Tabled 310's

- Buck, FL-2021-041C, Stoner Creek: tabled until remediation work completed
- Griffin, FL-2020-060C, Garnier Creek, complaint: tabled waiting for work to be completed under permit #FL-2021-022

Consent Agenda Item 3: Minutes

None

Consent Agenda Item 4: Financial

The following bills were reviewed:

(Check Detail dated 8/27/2021)

1. VISA – Hailey Graf \$1,472.11

2. VISA – Samantha Tappenbeck \$931.26
3. VISA – Pete Woll \$718.31

(Check Detail dated 9/1/2021)

1. Flathead Beacon \$528.00
2. MT Sky Networks \$10.0

Lech Naumovich motioned “to approve the consent agenda as presented.” Donna Pridmore seconded. Motion carried unanimously.

PUBLIC COMMENT

No one was present to comment on items not listed on the agenda.

310 Onsite Inspections

Aldrich, FL-2021-079, Unnamed, drainage ditch/fill: An onsite inspection was scheduled for Tuesday, September 21, 10:00 A.M. at the site.

Becker, FL-2021-077C, Unnamed, complaint: An onsite inspection was scheduled for Thursday, September 16, 9:45 A.M. at the site.

Becker, FL-2021-080C, Unnamed, complaint: An onsite inspection was scheduled for Thursday, September 16, 9:45 A.M. at the site.

Brisendine, FL-2021-057C, Stillwater River, complaint:
An onsite inspection was scheduled for Friday, September 17, 9:30 A.M. at the site.

Brown, FL-2021-070, Swan River, dock/gangway: An onsite inspection was scheduled for Friday, September 17, 10:00 A.M. at the site.

Cahill, FL-2021-071C, Flathead River, complaint: An onsite inspection was scheduled for Tuesday, September 21, 9:00 A.M. at the site.

Demongin, FL-2021-058C, Flathead River, complaint: An onsite inspection was scheduled for Tuesday, September 21, 8:15 A.M. at the site.

Green Diamond Resource Co., FL-2021-085, Pleasant Valley Fisher River, culvert:
An onsite inspection was scheduled for Thursday, September 16, 11:00 A.M. at the boat launch on McGregor Lake.

Green Diamond Resource Co., FL-2021-086, Pleasant Valley Fisher River, culvert:
An onsite inspection was scheduled for Thursday, September 16, 11:00 A.M. at the boat launch at McGregor Lake.

Green Diamond Resource Co., FL-2021-087, Pleasant Valley Fisher River, rip rap:
An onsite inspection was scheduled for Thursday, September 16, 11:00 A.M. at Boisvert’s boat launch on McGregor Lake.

Hale, FL-2021-084, Swift Creek, rip rap/willow cuttings: An onsite inspection was scheduled for Tuesday, September, 11:30 A.M. at the site.

Heil, FL-2021-032, Blaine Creek, amend. application to replace culverts w/bridge: An onsite inspection was scheduled for Wednesday, September 22, 8:30 A.M. at the site.

Holwick, FL-2021-083, Swan River, retaining wall/fabric/French drain/stairs/patio: An onsite inspection was scheduled for Friday, September 17, 9:15A.M. at the site.

Mielke, FL-2021-074, Flathead River, dock/shore station boat lifts: An onsite inspection was scheduled for Wednesday, September 22, 9:30 A.M. at the site.

Ray Family Rev. Tr., FL-2021-088, Stoner Creek, stream restoration: An onsite inspection was scheduled for Friday, October 8, 10:00 A.M. on site.

Shapero, FL-2021-078, Flathead River, kayak rack: An onsite inspection was scheduled for Wednesday, September 22, 10:30 A.M at the site.

Smith, FL-2021-082, Stillwater River, stairs/reseeding: An onsite inspection was scheduled for Friday, September 24, 9:30 A.M. at the site.

Smith, FL-2021-089, Fish Creek, pond: An onsite inspection was scheduled for Friday, September 17, 10:45 A.M. at the site.

Switzer-Rogers, FL-2021-059C, Swan River, complaint: Onsite to be determined, no response from landowner.

Pete Woll motioned “to table the permit” John Ellis seconded. Motion carried unanimously.

Wright, FL-2021-072, Flathead River, bank stabilization: An onsite inspection was scheduled for Wednesday, September 22, 10:00 A.M. at the site.

310's

Bruns, FL-2021-065, Whale Creek, bank stabilization/vegetation & tree removal/well: John Ellis explained that this was an application for riprap, tree thinning and a possible well. He noted that a letter was received dated 9/7/2021 from Melissa Brickl, WET which explained the project in further detail. John reviewed the Team Member Report. Kenny Breidinger noted that the application included two possible well sites and that the second is a backup.

John Ellis motioned “to approve the application with modifications per the Team Member Report, and the 9/7/2021 letter from WET.” Lech Naumovich seconded. Motion carried unanimously.

Dahn, FL-2021-064, Swan River, remove cut logs from bottom of river: Pete Woll explained that this permit has been approved in the past. He explained that the applicant will float logs down the river using air bags to remove from the river bottom.

Pete Woll motioned “to approve the application with modifications per the Team Member Report”. Scott Rumsey seconded. Motion carried unanimously.

Druyvestein, FL-2021-073C, Flathead River, complaint: Ginger Kauffman explained that the certified letter came back marked unclaimed/unable to forward. She stated that FCD needs to contact the complainant to schedule and onsite inspection to view the Druyvestein site from the closest vantage point.

Scott Rumsey motioned “to table until the complainant can be contacted to view the site from another property.” Lech Naumovich seconded. Motion carried unanimously.

FH Stoltze L&L, FL-2021-023, Various Streams, annual road maintenance: John Ellis explained that every year Stoltze applies for minor maintenance work and that in the past those permits were approved. Discussion held among the board and Mike Cotton, FH Stoltze, agreeing that this paperwork was unnecessary. If culvert extensions are needed, FH Stoltze must submit a new application.

John Ellis motioned “to deny the application, as it is unnecessary at this time.” Lech Naumovich seconded. Motion carried unanimously.

Mike Cotton wanted to confirm that he could do maintenance on any permits being issued at this point. The board also discussed that a maintenance permit may be appropriate in the future.

FH Stoltze L&L, FL-2021-062, Haskill Creek, culvert: John Ellis explained that this project included replacement of a culvert that had worn through.

John Ellis motioned “to approve the application as proposed. FWP waives their 15-day waiting period.” Verdell Jackson seconded. Motion carried unanimously.

Fraser, FL-2021-056C, Swan River, complaint: Pete Woll explained that the dock activity onsite was completed without a permit and that the vegetation and pathway seen on the property also fell within the jurisdiction of the district. Leo Rosenthal noted that the landowner had stated that they were unaware of the permit process. An after the fact 310-permit application will need to be submitted.

Pete Woll motioned “that activity was initiated on a perennial flowing stream without a valid permit. To satisfy the violation, the landowner must submit an after-the-fact permit application within 30 days from tonight’s action. Scott Rumsey seconded. Motion carried unanimously.

Ginnett, FL-2021-068, Garnier Creek, bridge/structure: Lech Naumovich explained that the project included a proposed bridge which is needed to access property on the other side of a tributary. He expressed that he saw minimal to no environmental impact from this project. Lech noted the dimensions of the bridge as stated in the application and discussed that the width was adjusted from the initial application to accommodate emergency vehicles.

Lech Naumovich motioned “to approve the application with modifications submitted 9/7/2021. FWP waives their 15-day waiting period.” John Ellis seconded. Motion carried unanimously.

Harrison, FL-2021, 075, Flathead River, deck/dock/gangway/slab: Pete Woll explained that after the onsite inspection, the applicant submitted additional information on 9/10/2021, in which alternative #2 follows the Adopted Rules. This design includes a large flat rock to step down and gangway would be attached to it.

Pete Woll motioned “to approve the application with modifications per the Team Member Report and per modification listed as alternate #2 received 9/10/2021 from the applicant.” Lech Naumovich seconded. Motion carried unanimously.

Hodge Creek Reserve HOA, FL-2021-003, replace flow control: Verdell Jackson explained initially the applicant submitted a notice of emergency. The applicant was then required to submit an application for a permanent fix. Discussion held between the landowner, the Board and FWP regarding whether the temporary fix could be the permanent fix. Kenny Breidinger expressed concern that the proposed pipe would not be large enough to carry the stream outflow. A consensus was reached that more information was necessary for the project to continue.

Verdell Jackson motioned “to table the application until the next meeting, waiting additional info from applicant.” Lech Naumovich seconded. Motion carried unanimously.

Hull, FL-2021-066, Cedar Creek, boring: John Ellis explained that the project is to bore under Cedar Creek to get electricity to a building site. At the onsite inspection on August 18, it was unclear where to best bore under the creek and the supervisor asked for additional information. Additional information was received 8/20/2021. John explained that they might have to bore a long way, due to the nature of the stream and its floodplain. Kenny Breidinger noted that the applicant must bore at least 5-feet beneath the streambed.

John Ellis motioned “to approve the application with modifications listed in the letter dated 8/19/2021.” Lech Naumovich seconded. Motion carried unanimously.

Klempel, FL-2021-076C, Unnamed, complaint: An onsite inspection was scheduled for Wednesday, September 22, 11:45 A.M.

Maldonado, FL-2021-054C, Flathead River, complaint: John Ellis explained that the complainant was agreeable to viewing the Maldonado site from his property, however, he could not attend tonight’s meeting.

John Ellis motioned” to table the application until the next 310-meeting.” Verdell Jackson seconded. Motion carried unanimously.

Mtn Cleft Resort, FL-2021-069, Unnamed, fill/wetland alteration: John Ellis explained that team members found no perennial stream on or nearby the property. This is not a project within FCD's jurisdiction.

John Ellis motioned "this is not a project under our jurisdiction." Verdell Jackson seconded. Motion carried unanimously.

Peerman, FL-2021-046C, Stillwater River, complaint: Verdell Jackson explained that the landowner has deceased since the time of the complaint. Complainant was in attendance and stated that large mature trees were removed from the bank. Ginger Kauffman explained that a complaint letter was sent via certified mail and received by the alleged violator, but no response followed. General discussion followed that a site visit was important to do. Caitlin Overland, Flathead District Attorney agreed that this was an important step and should be done from the closest vantage point. Discussion continued as to whether the alleged violator had a permit with the DNRC, Kenny Breidinger was asked to follow up.

Verdell Jackson motioned "to table the complaint until the next meeting." John Ellis seconded. Motion carried unanimously.

Scott, FL-2021-050, Flathead River, boathouse/lift/deck: Pete Woll explained the proposal is to replace the existing boathouse. Applicant wanted to add a sundeck on top of the boathouse and/or another dock. After discussion it was determined that per the Adopted Rules roof/decks are prohibited, and only one dock is allowed.

Pete Woll motioned "to table the application until the October 310-meeting to allow the applicant to submit a new design without living space or a deck on the roof." Verdell Jackson seconded. Motion carried unanimously.

SPP MT, FL-2021-061, Lazy Creek, bridge: Lech Naumovich explained that the landowner identified three possible locations for a bridge to access property on the other side of Lazy Creek. He explained the dimensions of the bridge per the application. Board members brought up a concern about the height of the bridge over the water and whether there was sufficient space for debris to pass under the bridge during high water/flood events. Lech explained that the floodplain is wide, and flow is slow through the area. Consensus was reached that the bridge height would be sufficient.

Lech Naumovich motioned "to approve the application with modifications per the Team Member Report. FWP waives their 15-day waiting period." Verdell Jackson seconded. Motion carried unanimously.

Turner, FL-2021-081C, Swan River, complaint: An onsite inspection was scheduled for Friday, September 17, 10:45 A.M. at the site.

Wachholz, FL-2021-060, Wild Bill Creek, culvert: Donna Pridmore explained that original plans set forth by the applicant identified need for a 48-inch culvert. Donna went on to explain that a 48-inch culvert just upstream of the property proved to be insufficient to carry flow. Modifications were submitted on 8/18/2021 for a 72-inch culvert.

Donna Pridmore motioned “to approve the application with modifications submitted 8/18/2021.” Lech Naumovich seconded. Motion carried unanimously.

Wheeler, FL-2021-063C, Lost Creek, complaint: Verdell Jackson explained that the activity did not take water out of the creek or alter the streambed, and the landowner did not plant trees in or near the creek. The activity was not a violation as defined by the district rules.

Verdell Jackson motioned “this is not a violation as defined by district rules”. John Ellis seconded. Motion was carried unanimously.

White, FL-2021-014, Flathead River, violation of permit/remediation: Donna Pridmore explained that the board issued a letter of violation on the conditions of Mr. White’s permit. The letter included a 15-day deadline to respond with another 310-application outlining the restoration. Mr. White responded within the deadline and hired the Rocky Mountain Law Partners, contending that he has a valid 310 permit. Donna went on to explain that she would like to give Mr. White until the 28th of September to respond with another 310-application with his proposals for streamside remediation otherwise the board would impose civil penalties. If applicant remains unresponsive then the case would be handed over to the Flathead County Attorney.

Donna Pridmore motioned “to give Mr. White another opportunity to submit a 310-application with proposals for the streamside remediations by September 28th, or civic penalties will be imposed. If he is still unresponsive, the matter will be turned over to the Flathead County Attorney.” John Ellis seconded.

Board discussed whether specifics about civil penalties needed to be identified. The board re-read the motion and opened the room for discussion.

Angie LeDuc from Rocky Mountain Law Partners expressed hopes of reaching a consensus. She requested that the September 3, 2021, letter be attached to the meeting minutes. She went on to explain that they believe that the existing stairwell is in alignment with the Adopted Rules. She contested that the project as designed is within the confines of the issued permit and gave specifics about construction details. Mark Wattie, Wattie Engineering requested clarification of alleged violations.

Doug White explained the specifics of the build and addressed a photo sent to FCD on 4/22/21. He explained that because there is lighting visible in the photo, he assumed he was permitted for electrical work. He expressed that he thought the build was within the confines of the permit.

Donna Pridmore continued the discussion by explaining specifics of the construction and placement of the gangway. She stated that the FCD was unaware of the electricity portion of the project. She continued by saying that, after receiving photos from the public of the project, she went onsite to discuss the changes and construction stopped immediately. The matter was brought back to the board, and it was voted that onsite activity was in violation of the existing permit. The letter of violation was issued at that

time. Discussion among the board continued and interest was expressed in seeing the project onsite before a decision could be reached.

Donna retracted her motion "to give Mr. White another opportunity to submit a 310-application with proposals for the streamside remediations by September 28th, or civic penalties will be imposed. If he is still unresponsive, the matter will be turned over to the Flathead County Attorney." John Ellis seconded.

Donna Pridmore motioned "to table until as many board members want to can go to the site to see what is going on." Verdell Jackson seconded. Motion carried unanimously.

Board discussion continued about who would go to see the site, being aware that no more than three supervisors could go at a time as this would constitute a quorum. John Ellis, Lech Naumovich and Verdell Jackson to attend.

An onsite was scheduled for Tuesday, September 14, 1:00 P.M. at the site.

Winter Sports, FL-2021-067, Haskill Creek trib., veg. removal/culverts: Lech Naumovich explained the application is to lengthen an existing culvert by 40 feet to allow room for installation of a new chairlift. Kenny Breidinger raised concerns about the total length of the pipe. Doug Yaeger from Winter Sports explained that the new chairlift would help to disperse guests among the mountain and went on to explain that widening the slopes would help to mitigate a potential safety concern. Kenny Breidinger explained that the pipe in place is acting as a barrier to aquatic organisms. Doug from Winter Sports suggested that an open bottom culvert could be offered as an alternative. The board discussed the environmental impacts of an open bottom culvert as opposed to extending the culvert in the typical round fashion. After discussion, a consensus was reached that continuing with the original plans for the culvert would be preferred.

Lech Naumovich motioned "to approve the application with modifications listed in the Team Member Report. FWP waives their 15-day waiting period." John Ellis seconded. Motion carried unanimously.

NEW BUSINESS

Demonstration Garden: John Ellis discussed that to date we have spent \$34,333.00 on the demonstration garden. He went on to ask what was budgeted for the demonstration garden for the next fiscal year. Samantha Tappenbeck explained that approximately \$11,000.00 was budgeted for this fiscal year. Hailey Graf went on to explain that part of the funds would be potentially put towards a shed and fence, but the board determined in a previous meeting to wait on finalizing the lease agreement for the office building before discussing constructing a fence. Other plans would include building composting bins and planting the area near the newly constructed pathway.

Budget 2021 2022: Ginger Kauffman explained the budget process and that the district will be receiving slightly less revenue than anticipated; however, the only change to the budget will be slightly fewer funds available in the cash reserve.

Lech Naumovich motioned to “approve the budget and sign the resolution”. Donna Pridmore seconded. Motion carried unanimously.

Furniture/Equipment (F&E) Disposal Request: A F&E disposal request was submitted to the Board for review.

John Ellis motioned “to approve the F&E disposal request.” Donna Pridmore seconded. Motion carried unanimously.

MATTERS OF THE BOARD/STAFF

J&J Ranch update: Hailey Graf explained that she had spoken with the landowner, and he was unaware that a 310-permit was needed. Consensus was drawn that this would be a good chance to educate and communicate with the public.

Ashley Creek project budget: Samantha Tappenbeck explained that the bids previously procured for the repairs to irrigation and the install of a riparian livestock fence were outdated. She is requesting additional funds for the project which cover the cost of configuration changes to the livestock fence and the fluctuating cost of materials.

Lech Naumovich motioned to “approve the updated revised budget for Ashely Creek”. Donna Pridmore seconded. Motion carried unanimously.

Solutions to Pollution Workshop: Samantha Tappenbeck explained that Montana Association of Conservation Districts (MACD), Flathead Lakers and other partners are collaborating on a workshop on Saturday, October 2 in Lawrence Park in Kalispell. The workshop would explain solutions for non-point source pollution and programs that the FCD offers.

The next Business meeting is scheduled for Monday, September 27, 2021, 7:00 P.M. via ZOOM.

Adjournment: Verdell Jackson motioned “to adjourn Donna Pridmore seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 11:31 P.M.

Submitted By:

Virginia Rigdon
Administrative Assistant

Ginger Kauffman
Administrator

Hailey Graf
Resource Conservationist

Minutes approved by FCD Board motion made on:

9/27/2021
(Date)

Pete Woll
(Signature)

Chair
(Title – Chair etc.)